

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

01 COMMUNIQUE LABORATORY, INC.,)

Plaintiff,)

vs.)

LOGMEIN, INC.,)

Defendant.)

Civil Action No. 1:10-cv-01007-CMH-TRJ

**DEFENDANT LOGMEIN’S MOTION TO DISMISS FOR FAILURE TO JOIN AN
INDISPENSABLE PARTY UNLESS WI-LAN IS JOINED AS A PLAINTIFF**

Pursuant to Rule 12(b)(7) and Rule 19(b) of the Federal Rules of Civil Procedure, Defendant LogMeIn, Inc. (“LogMeIn”) moves to dismiss the Complaint filed by Plaintiff 01 Communique Laboratory, Inc. (“01”) for failure to join an indispensable party. As set forth more fully in LogMeIn’s memorandum in support of its motion to dismiss for failure to join an indispensable party, submitted concurrently herewith, 01 has failed to join a necessary party, Wi-LAN Inc., that holds substantial rights to the patent-in-suit. Wi-LAN’s substantial rights to the patent-in-suit make it an indispensable party to the suit, and unless joined as a plaintiff, its absence warrants dismissal of 01’s litigation against LogMeIn.

Dated: January 3, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this January 3, 2013, the foregoing document was served electronically upon the following counsel of record:

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